

REMARKS

I. Status and Disposition of the Claims

Claims 43-82 are pending and under consideration on the merits. Claims 43, 47, 49, 61, 69, and 71 are amended herein. Specifically, the amount of fossil and non-fossil fuels of claims 42 and 61 has been amended to recite a range of from 60% to 95% by weight and from 40% to 5% by weight, respectively. Applicants are simply claiming less than the full scope of the disclosure, which is a legitimate procedure for inventors entitled to decide the bounds of protection they seek. *See, e.g., In re Johnson*, 558 F.2d 1008, 1017-18, 194 U.S.P.Q. 187, 196 (C.C.P.A. 1977). Claims 47, 49, 69, and 71 have been amended to take into account the new ranges in claims 42 and 61. Since Applicants are merely claiming less than they originally disclosed in their specification, according to M.P.E.P. § 2173.05(i), the amendment has Section 112 support and raises no new matter concerns. *See, e.g., In re Wertheim*, 541 F.2d 257, 264, 191 U.S.P.Q. 90, 98 (C.C.P.A. 1976) (holding that a claim reciting a range of between 35% and 60% has written description support in a specification disclosing a range of 25% to 60%)

Moreover, claims 43 and 61 have been amended to correct an obvious typographical error. Specifically, "0.6 g/cm²" has been amended to recite "0.6 g/cm³." Support for this correction can be found on page 5 of the specification and claim 9 as originally-filed. A person of ordinary skill in the art would recognize this obvious error since the units for density are g/cm³ and not g/cm². Accordingly, no new matter has been added.

Applicants respectfully acknowledge the Examiner's indication that claims 48, 52, 54, 59, 65, 70, 74-76, and 82 would be allowable if rewritten in independent form to

include all the limitations of the base claim and any intervening claims. April 6, 2007, Office Action at 3.

II. Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 43-47, 49-51, 53, 55-58, 61-64, 66-69, 71-73, and 77-81 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,643,342 to Andrews ("Andrews").

Although Applicants disagree with the rejection, in order to expedite prosecution, Applicants have amended claims 43 and 61 to recite a range of from 60% to 95% by weight and from 40% to 5% by weight for the amount of fossil and non-fossil fuel, respectively. Applicants note that this amendment effectively incorporates the lower limit of the range recited in claims 48 and 70 for the fossil fuel, i.e., 60%, which the Examiner has indicated as containing allowable subject matter. Thus, Applicants respectfully submit that the rejection should be withdrawn.

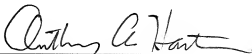
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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